

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA

v.

Case No. 17-mj-90

MATTHEW R. HOWARD,

Defendant.

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COMPLAINT FOR VIOLATION OF TITLE 18, UNITED STATES CODE,  
SECTION 2251(a)

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BEFORE United States Magistrate Judge  
Stephen L. Crocker

United States District Court  
120 North Henry Street  
Madison, Wisconsin 53703

The undersigned complainant being duly sworn states:

On or about November 15, 2014, in the Western District of Wisconsin, the defendant,

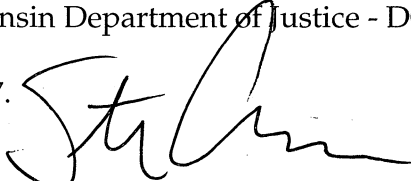
MATTHEW R. HOWARD,

knowingly and intentionally used a minor, "Known Victim (KV)", to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, using materials that had previously been transported in interstate commerce, specifically, HOWARD used an Apple Mac Book Laptop Computer and a Technology G-Drive External Hard Drive, both having been manufactured outside the state of Wisconsin, to produce a visual depiction labeled fdg.mov.

(In violation of Title 18, United States Code, Section 2251(a).)

  
JEFFREY D. LENZNER, Special Agent  
Wisconsin Department of Justice - DCI

Sworn to before me this 21st day of August 2017.

  
STEPHEN L. CROCKER  
U.S. MAGISTRATE JUDGE

AFFIDAVIT

STATE OF WISCONSIN     )  
  ) ss.  
DANE COUNTY             )

I, Jeffrey D. Lenzner, having been duly sworn, depose and state as follows:

1. I am a Special Agent (SA) with the Wisconsin Department of Justice Division of Criminal Investigation (DCI). I have been a sworn law enforcement officer since May of 2007 and have been a SA with the DCI since September of 2015. I am currently assigned to the Internet Crimes Against Children (ICAC) Task Force. I have investigated numerous serious crimes, including sexual assaults, and have participated in physical surveillance, debriefing of sources, and executing search and arrest warrants.

2. The information contained in this affidavit is based primarily on information I learned during the course of my investigation while assisting Madison Police Department (MPD) Detective Scott Sachtjen. I have also reviewed reports about the incident prepared by other Madison Police Officers. As the reports were prepared by other law enforcement officers during the course of their official duties, I believe them to be reliable.

3. On August 8<sup>th</sup>, 2017, Detective Sachtjen was issued CyberTipline Report 22668265 from the Wisconsin ICAC (Internet Crimes Against Children) Task Force. Detective Sachtjen reviewed this CyberTipline Report from NCMEC (National Center for Missing and Exploited Children). In this CyberTipline Report, Omegle.com LLC reported that 2 images depicting suspected child pornography were uploaded by a Omegle.com user account on July 22<sup>nd</sup>, 2017. The user had an account ID of RB8EL6DV

and the user uploaded the images from IP address 97.20.243.82.

4. Omegle is a free online chat website that allows users to socialize with others without the need to register. The service randomly pairs users in one-on-one chat session where they chat anonymously using the names "You" and "Stranger." The site includes a video conferencing feature that pairs together strangers who are using webcams and microphones. The video chat also has a built in text window. Omegle also has a mobile application that lets users chat with strangers from mobile devices.

5. On July 26<sup>th</sup>, 2017, DCI Special Agent in Charge Jesse Crowe authorized an Administrative Subpoena to Charter Communications after it was discovered that the above IP address belonged to Charter Communications. On August 4<sup>th</sup>, 2017, Charter Communications responded to the Administrative Subpoena that IP address 97.20.243.82 was assigned to account holder Michelle Howard and had a service address of 6309 Vicksburg Road in the city of Madison from October 25<sup>th</sup>, 2015, through July 27<sup>th</sup>, 2017.

6. On August 16<sup>th</sup>, 2017, Detective Sachtjen authored a search warrant for 6309 Vicksburg Road in Madison, Wisconsin. Detective Sachtjen presented the search warrant to the Honorable Dane County Judge John D. Hyland on Wednesday, August 16<sup>th</sup>, 2017, at approximately 10:05 a.m. Judge Hyland reviewed and signed this warrant, authorizing its execution.

7. On August, 17<sup>th</sup>, 2017, at approximately 8:39 a.m., the MPD SWAT executed the search warrant at 6309 Vicksburg Road in Madison, Wisconsin, without incident. Upon execution of the search warrant, it was discovered that Michelle Howard lived at the residence with her son, 22-year-old Matthew R. Howard. Matthew

Howard lived in the basement and had full control of the downstairs area of the residence.

8. While on scene, numerous electronic devices were located and collected as evidence. Inside Matthew Howard's bedroom, a silver Apple Mac Book Laptop Computer, serial number C02K601KDTY3, was located on a bed. Attached to the silver Apple Mac Book Laptop Computer was a Technology G-Drive External Hard Drive, serial number 4M35AE9F.

9. DCI Senior Digital Forensics Examiner (DFE) Mark Howard was on scene and forensically previewed electronic items located in the residence. DFE Howard located numerous images of child pornography on the Technology G-Drive External Hard Drive that was located in Matthew Howard's basement bedroom. DFE Howard also located numerous screen-captured videos of communications between Matthew Howard and others on Omegle.com. The screen-captured videos were digital recordings of the on-screen activity from the Apple Mac Book Laptop computer. These recordings captured the video feeds and text communication of Matthew Howard using Omegle.

10. DFE Howard showed myself and Detective Sachtjen the following video retrieved from the G-Drive External Hard Drive:

File Name: **fdg.mov**

File Created: **11/15/14 03:19:38AM**

File Written: **11/15/14 03:19:53AM**

Hash Value: **ec4ae3c29a30a25ba314cde7d0e62a5b**

Full Path: **Madison PD preview\4\1 G-DRIVE mobile USB-C\G-DRIVE mobile USB-C\fdg.mov**

- a. This file is a twenty-one minute and eight second video of a screen-capturing program. The video is capturing the desktop screen of the Apple Mac Book computer. The beginning of the video shows three still images of a male who appears to be Matthew Howard. Throughout the entire rest of the video, Howard is live chatting with other unknown users on the video chat option of Omegle.
- b. Approximately 4:39 into the video, Howard connects with "Random Stranger 1." The video capture shows that Omegle has identified that both Howard and "Random Stranger 1" have a mutual like of "little girls." "Random Stranger 1" appears to be a female visible from her chest up to the top of her head. At 4:48, Howard activates the "Face Time HD Camera," thereby activating his web camera, and a male subject who appears to Howard appears on the screen. Howard is visible from the chin down throughout the video. Howard's web camera pans down and shows a juvenile female lying down on the floor on a pink blanket. The female appears to have brown/blond hair. The top of the female's head and forehead are visible in the image. The female was later positively identified as CMC. The video turns off and Howard and Random Stranger 1 continue to chat before disconnecting.
- c. Approximately 11:01 into the video, the Face Time HD Camera is turned back on and Howard is seen walking with the camera facing his upper chest. At 11:20, Howard connects with "Random Stranger 2." The video capture shows that Omegle has identified that both Howard and "Random Stranger 2" have a mutual like of "cp," which is common abbreviation for of "child pornography."

"Random Stranger 2" is a male with shaggy black hair and wearing a white t-shirt. At 11:56, Howard turns the computer away from him and towards CMC, who appears to be sleeping while laying on the floor. A red couch is observed in the background of the image. CMC is wearing a pink shirt and blue colored camouflage colored pants. CMC is facing away from the camera and is partially covered up with a pink colored sleeping bag. The camera pans back towards Howard and the video feed ends.

- d. At approximately 13:17, while continuing to chat with "Random Stranger 2," the video feed turns back on and Howard's body is visible. Howard turns the computer around and appears to set the computer on the ground, with the camera facing CMC. CMC is laying with her head on the left side of the screen and her legs on the right side of the screen. At 13:43, Howard is seen crawling from right to left across the screen towards CMC's legs. Howard turns the camera toward himself and his body is visible. In the chat message feed, visible to the right side of the video feed, Howard typed "excuse me while i be a perv." The camera turns back toward CMC laying in the same position she was previously.
- e. At approximately 14:32, Howard is observed masturbating his penis on the right side of the screen with his left hand. Howard has his body positioned to face CMC. At 14:45, Howard leans over and places his right hand on the ground on the right side of CMC's body. At 14:49, the left side of Howard's face is visible as he looks down towards CMC and his penis. Howard positions his body so his penis is directly over the buttocks of CMC. Howard appears to be touching or

almost touching CMC's buttocks with his left hand that is continuing to masturbate his penis. At 15:02, Howard gets up and moves away from CMC and moves back to the computer. Howard is observed typing messages back to "Random Stranger 2." Howard placed the computer on the red couch and the camera is facing the couch and Howard walks away.

- f. At approximately 18:35, Howard appears to pick the computer back up and his robed body is visible. Howards typed to Random Stranger 2 "i tried pulling down the pjs", "she moved" and "im not donetho." Howard sets the computer back down on the couch, facing the couch. At 20:21, Howard picks the computer back up and turns it back towards his body. As the computer is being moved, the left side of Howard's face is slightly visible.
- g. At approximately 20:57, Howard turns the computer and sets it down on the floor. CMC is rolled over from her previous position and is now facing toward the camera with her eyes closed and still appears to sleeping. Howard positions the camera directly in front of CMC's face. At 21:05, Howard appears to use his right hand and open hand slap CMC in the face. CMC winces as Howard pulls his hand away and the video ends.
- h. Below is the full chat log between Howard and "Random Stranger 2":

Howard: hi

Stranger: hi

Howard: girls?

Stranger: yea i like

Stranger: im alone tho :(

Howard: :(

Howard: lil girls?

Stranger: woaaah

Stranger: so cute x)

Stranger: amazing  
Howard: haha yeah  
Howard: im tempted to pull down those pjs  
Stranger: you do stuff?  
Stranger: hahaha x)  
Stranger: id love that :P  
Howard: ok  
Howard: i gotta take my time  
Howard: shes half awake  
Stranger: and ahve you ever done stuff?  
Howard: no  
Stranger: she seems pretty hoy  
Stranger: hot  
Howard: haha  
Howard: yeaah sure :P  
Howard: excuse me while i be a perv  
Stranger: hahaaah ill be here watching  
Howard: ahaha ok  
Howard: are you "enjoying" yourself?  
Stranger: should pull them down  
Stranger: hahaha litle ;P  
Howard: ok  
Howard: how old are you dude  
Stranger: 16  
Howard: ok  
Howard: shes twitcching lol  
Stranger: hahaha  
Howard: sleepmovements  
Howard: nooo  
Howard: this takes some balls  
Stranger: yesss  
Howard: brb  
Howard: dont go  
Stranger: okok  
Howard: glad you didnt go  
Howard: i tried pulled down the pjs  
Howard: she moved  
Howard: im not donetho  
Stranger: hahaha lets see  
Howard: do you think shes cutte

11. After viewing the above video, myself and Detective Sachtnen went back into 6309 Vicksburg Road in Madison, Wisconsin, to attempt to match the furniture and



room layout that was portrayed in the video. The upstairs living room of 6309 Vicksburg Road had the same red couch and furniture to match the background of the above described video. MPD Investigator Jill Urso captured digital images and video of the residence and living room.

12. Myself and Detective Sachtjen showed a still image of CMC from the above described video to Stacey K. Cage, CMC's mother. Stacey Cage advised the female in the still image from the above described video was her daughter CMC. CMC's date of birth is 4/29/2005. Stacey Cage stated that CMC did spend the night at the residence with her grandmother, Michelle, and uncle, Matthew. Stacey further stated that when CMC spent the night at the home, she usually slept in the living room on the main floor, and identified the red couch in the video as the living room.

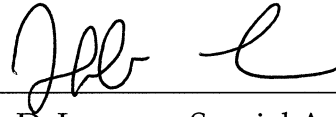
13. The create date of the above video is recorded as November 15, 2014. CMC would have been 9 years old on this date. Upon viewing the video, Stacey Cage said that the appearance of CMC in the video corresponded to how CMC looked in 2014, including hair color, hair length, and body size. Stacey Cage also identified the pajamas CMC was wearing and confirmed that she had those pajamas in 2014.

14. The Apple Mac Book Laptop Computer with serial number C02K601KDTY3 and the Technology G-Drive External Hard Drive with serial number 4M35AE9F were seized from Howard's residence during the search warrant. I did a Google search of Apple Mac Book Laptop Computer and determined that it was designed in California and assembled in China. The Technology G-Drive External Hard showed it was manufactured in China. The Apple Mac Book Laptop Computer is also stamped, "Designed by Apple in California Assembled in China." The Technology G-

Drive External Hard Drive is stamped "Made in China."

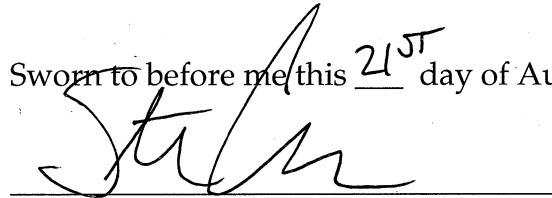
15. Sexually explicit conduct means actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals or pubic area of any person.

Dated this 21st day of August 2017.



Jeffrey D. Lenzner, Special Agent  
Wisconsin Department of Justice - DCI

Sworn to before me this 21<sup>st</sup> day of August 2017.



United States Magistrate Judge